

[Dr. P. Subbarayan]

[31st January 1929]

some of his amendments have also been incorporated into this Bill. But, the main point under consideration was that there were difficulties in this working of this Act and that it had to be corrected, so that there will not be conflicts between authorities and authorities and that has been done by this Bill. That was the main purpose of my Bill. No doubt, the hon. Member for the University also referred to some of the points which arose as to the conflict between the various authorities, but I am sure he will himself admit that the Bill introduced by the Government dealt with this more elaborately than his did. I am obliged to the Members of this Council for the help they have given in the passing of this legislation. I know there have been heated debates in the matter especially of introducing some amendments which they thought were dear to their hearts. Far be it from me to say that I am opposed to any Indian system of education or culture. What I felt was that as the Act stood, it was unnecessary for such amendments, but as the hon. Member for the University has stated, the way in which discussion has taken place on this Bill will bring home to the authorities of the university the feeling in the Legislative Council with regard to the teaching of Indian History and Indian Systems of Medicine, which I am sure, the university authorities, experienced as they are with public opinion in this country, will try and do their best to incorporate into the system of education which they are imparting to-day. I know hon. Members think that the Ministry has not done enough in the way of legislation, but if they had sat for three days as they have done with regard to these two University Bills, I am sure hon. Members will realize the difficulties of a Member of Government with regard to the passing of legislation. I do not complain about the Opposition in the way in which they practiced obstruction, because it is a matter for them, and I think it is also one of the well-understood Parliamentary principles by which if they want to obstruct they have a right to do so. I have no complaint to make in that connexion.

"Mr. President, I also wish to express my thanks to you, Sir, personally for the difficulty you had in putting the various amendments in regard to this measure in the Council."

The hon. the PRESIDENT :—"I hope the hon. Minister will take care not to give the same trouble in future Bills."

The hon. Dr. P. SUBBARAYAN :—"That is why I am thanking you so that if I give some trouble you may not think it too much of a trouble. With these few words, I move that this Bill be passed into law."

The hon. Mr. M. R. SETURATNAM AYYAR :—"I second it, Sir."

The motion was put to the House and carried and the Bill was passed into law.

V

THE MADRAS SERVICES COMMISSION BILL, 1929.

* The hon. the PRESIDENT :—"I think it will be more convenient to the House to have the motion split up into three parts: one is that the Bill be referred to a Select Committee. Then there is another motion by Mr. Karant and C. S. Govindaraja Mudaliyar to suspend the standing order. This will be taken as the second part, whether the standing order is to be suspended or not. When once the suspension of the standing order or retention of it is agreed to, the names of the members of the Select Committee may be taken up. So we shall have to put three distinct propositions."

31st January 1929]

This suggestion was agreed to by the House.

* The hon. Sir NORMAN MARJORIBANKS:—"Mr. President, Sir, I introduce the Madras Service Commission Bill^a (i.e.), Bill No. 5 of 1929, and move that the Bill be referred to a select committee. In doing so, Sir, I would wish briefly to state the scope and nature of this measure. It is really quite a simple matter if the rules and the law under which it is proposed are understood. Under section 96-B (2) of the Government of India Act, the Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Under the same section, he may also delegate these powers. Rules have been issued accordingly classifying the civil services in India into four categories: the all-India Services, the Provincial services, the subordinate services and officers holding special posts. As regards delegation, the Secretary of State has delegated the power to make rules regarding the method of recruitment to the Provincial civil service, subordinate services, special posts, to the local Governments of Governors' provinces.

"That is to say, the Local Government separately has powers to regulate the recruitment of Provincial services, subordinate services and special posts and we are not concerned in any way with the all-India services. This Bill therefore is not intended to regulate the conditions of recruitment or qualifications but merely to set up an agency to advise the Government in the selection of the personnel. That is its main object. The rules for regulating the method of recruitment will, of course, vary with regard to each service and they will be made separately under the separate authority of the Secretary of State rules. The reasons that make it necessary to set up a Services Commission are two-fold. In the first place, the rules that give the Local Government the power to regulate the method of recruitment say that the previous sanction of the Governor-General in Council should be required to making the first appointments to the Provincial service otherwise than as a result of competitive examination or on the advice of a permanent Board of Selection appointed by the Local Government, or of the Central Public Services Commission. Now therefore if the Local Government makes any statutory rules regarding the method of recruitment to any provincial service otherwise than by competitive examination, every appointment would require the sanction of the Governor-General in Council unless we set up a permanent Board of Selection on whose advice the Local Government should act. That is one object of this Bill, as it sets up such a Board. It might be contended that such a Board might be set up by mere executive orders. But then comes in the second consideration that having regard to the necessity for maintaining the purity of the administration, it would be advisable that this Board, once set up, should be as independent as possible both of the Government on the one hand, and of political influences on the other. And if you will briefly refer to the clauses of the Bill, you will see how they are intended to carry out the purposes that I have indicated. The first set of clauses as regards the constitution of the Commission—I do not propose to go into details—is aimed at placing that body as far as possible beyond the influences either of the Government or of political interests once it is appointed. The second set of clauses which deal with its functions lays down that they

12-30
p.m.

^a Published in the Fort St. George Gazette, dated 22nd January 1929.

[Sir Norman Marjoribanks]

[31st January 1929]

should do to carry out the method of recruitment that has been laid down by the Local Government under the powers which they independently possess. For instance, where competitive examination has been laid down by the Local Government as a method of recruitment, they should proceed in a certain manner; and where recruitment from a provincial or subordinate service has been laid down by the Local Government as the method of recruitment, they should proceed in a certain other manner therein indicated. It will not be for the Commission to lay down the conditions of recruitment. That is the duty of the Local Government and that duty it cannot delegate to any other authority if it is to function as a Government at all. Lastly, there are some minor points in regard to examinations for those already in service and for probationers. For people already in the services you are familiar with the present examinations. It is proposed to utilize the Commission to undertake the duty of conducting these examinations. In regard to disciplinary cases, it is proposed to give the Commission advisory functions. I do not know whether anybody has in any way misunderstood the concluding clause of the Bill which provides the rule-making powers. That has nothing to do with regard to the making of the rules as regards methods of recruitment or any rules of that nature, because that is a separate power given to the Local Government by the Statutory Rules made under the Government of India Act. The rules contemplated by the Bill are merely rules of procedure as regards the working of the Commission. If there is any doubt in the phraseology, that of course can be made clear by suitable amendments in the select committee. I do not wish, Sir, to expatiate upon the necessity for the placing of patronage in the hands of an independent body. I think all parties in the House have at one time or another urged that something to this end should be done."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
"I beg to second it."

* Mr. S. SATYAMURTI :—"I beg to move that the Bill be circulated. That is, under the Standing Orders, Sir, the normal way of proceeding when the House wants further consideration of this Bill both for the purpose of enabling it to make up its own mind as also for the purpose of enabling the Government and all sections of the House to sound public opinion on this matter. I am anxious, Sir, that our attitude should not be misunderstood in this matter. We yield to none in any part of the House in our anxiety and earnest desire for the early constitution of a proper Public Services Commission which, to use the words of my hon. Friend, the Revenue Member, will be independent of the Local Government and of political influences, and will distribute patronage with a sole eye to the benefit of the people and of the Government. Therefore we are anxious that a proper services Commission should be set up and set up as early as possible. But, Sir, I make this motion because we believe that although technically this motion of my hon. Friend is in time, it is only *technically* in time. I think I am not wrong in pointing out to this House that this Bill was for the first time published only in the last week's *Fort St. George Gazette* and I believe many hon. Members from the mufassal may have seen it only after they came to Madras. And in any case I do not think the provisions of the Bill have been long enough before the public to justify the feeling that there has been sufficient discussion of this matter. And there should be some more time given to the public and to this House also to make up its mind on this matter. So far as the sentiments given expression to by

31st January 1929]

[Mr. S. Satyamurti]

the hon. the Revenue Member are concerned, they are wholly unexceptionable. But, Sir, as usual with such performances—I do not mean him personally—on behalf of any Government when we begin to test them in the cold light of the actual sections, we find that they fall very short of the ideal set out by him or by the Government. Section 96-B (2) of the Government of India Act to which reference has been made provides *inter alia* that the Secretary of State may delegate all these important functions not only to local Governments, but also to the local legislatures. It is perfectly open to the Secretary of State to say that the local Legislative Council of Madras shall make all rules relating to the classification of services, to recruitment, and to all other incidental matters governing public service. I, of course, except the all-India services because no Provincial Council can deal with such all-India services. But there are three other important classes of service, Provincial and subordinate services and special posts, in respect of which the local Legislative Council may make rules. I do not see why the Secretary of State should have exercised his powers in this section in the manner stated. Of course, I do not hold the Local Government responsible for it, but I suggest for the consideration of this House that it is perfectly possible for the Secretary of State not merely to authorize the Local Government to appoint the Public Services Commission but also to authorize the local Legislative Council to make all the necessary rules. The hon. the Revenue Member frankly stated—he will correct me if I misheard or misunderstood him—that this Bill is not intended to affect recruitment in a direct manner. That is intended for the Government to make rules about. It is the Government of Madras which makes rules under the power delegated to it by the Secretary of State, as it is the Government of a Governor's province. They may make these rules and this Commission comes in merely as an extra body to carry out these proposals. Therefore, am I wrong in suggesting that this Public Services Commission is intended merely to be a machinery to advise the Government with regard to the working of the rules made by the Madras Government itself? The hon. the Revenue Member gave two reasons. The first was that the power of recruitment to appointments has been restricted by rules made under this section to be subject to the previous sanction of the Governor-General in Council except in two cases, namely, where the appointment is made as a result of a competitive examination or on the recommendation of a statutorily constituted public body. Therefore, my hon. Friend suggests that in order to eliminate the need for the previous approval of the Government of India, this Government will have to resort to a Public Services Commission which will make appointments. This, I submit, I use it in the usual legal sense, is a fraud on their power, because according to the whole scheme of the rules of the Government of India appointments in the first instance should be made eliminating the personal or, shall I say, the patronage element altogether, and it should work mechanically, as if it were a result of a competitive examination in which no personal influence or patronage of course counts, or it should be a recommendation of the Public Services Commission which taken in its context *ex hypothesi* means a Commission independent of the Local Government and uninfluenced by the wishes of the local Government, either in regard to a particular appointment or in regard to the general class of appointments. Both these conditions, Mr. Chairman, are absent in this clause. First of all, the Commission is not an independent body—I want hon. Members to attach some importance to it. The Public Services Commission contemplated under section 96-C of the Government of India Act is

12-45
p.m.

[Mr. S. Satyamurti]

[31st January 1929]

appointed by the Secretary of State in Council, and their tenure is subject to his will and pleasure, whereas the Public Services Commission of Madras is going to be a creature of my hon. Friend, the Revenue Member, that is the Government of Madras. They would not be appointed by an authority superior to or even different from the Government of Madras. Therefore, to say that it is an independent body is certainly playing with words, if I may say so respectfully.

"Secondly, Mr. Chairman, the rule itself, if it is understood in its proper context, contemplates a Public Services Commission or a public statutory body which will work more or less automatically as a competitive examination. But here it is conceded that it is not the business of this Commission to regulate recruitment or make rules for the same; they are merely to carry out rules made by the Government, so that they are creatures of the Madras Government and they are to obey the creator's rules in their actual functioning. Therefore what amount of freedom they will have in making appointments under this ruling is best left to the imagination of my hon. Friend, the Revenue Member. Whenever hereafter we put questions as regards appointments, they will say 'this is the recommendation of the Public Services Commission.' This is a smoke screen for them to hide all their patronage, the injudicious distribution of patronage, and will introduce the well-known spoils system of other countries which has been condemned and out of which they are slowly getting away. The phrase 'Public Services Commission' covers a multitude of sins, and I ask my hon. Friends to examine this picture a little more closely. This Public Services Commission is a commission merely in name. It is going to be appointed by the Government of Madras; it should be anxious to secure the approval of the Government of Madras. Already—I do not want to go into names—I know there are men who are anxiously making preparations for appointment to this Commission. I know two or three names are being rumoured about all over Madras, and people know exactly who are going to be appointed as Chairman and the two members. I ask this House, in all seriousness, whether this is a condition under which we can honestly say that we are conforming to the spirit of the rule, if not to the letter of it. You cannot conform to the spirit of the rule which wants that you must have the previous sanction of the Government of India before you make appointments either by competitive examination or a properly constituted Public Services Commission.

"My hon. Friend, the Revenue Member, used a phrase with which I entirely agree, viz., the necessity for maintaining purity in the administration of a commission independent of the Government and of political influence. My suggestion is that this Commission as it is proposed to be constituted does not bring about either of these results.

"Then, Sir, my hon. Friend said—I believe I heard him correctly—that no Government can delegate to a commission the power of framing rules with regard to the recruitment, and that only the Government can do it if it is to function at all. I venture to question the soundness of that position. I can understand the Local Government saying that they cannot give up all discretion in the matter of appointments; I can understand their saying that the Public Services Commission can only recommend a panel of qualified men from whom they have got to select; but when the Local Government

31st January 1929]

[Mr. S. Satyamurti]

go so far as to say 'we alone must appoint, not only appoint but also make the rules for the appointments and no other body can be given that power', I ask, in all humility, where is the authority which says that Government cannot delegate the power to frame rules in regard to recruitment for services? Indeed, the Government of India Act contemplates that these rules may be made by this House. This House is not the Government of Madras. Why should not therefore the power to make the rules be delegated to the Commission itself? Therefore, I venture to submit to this House that the whole scheme of the Act is intended to remove the previous sanction of the Government of India for appointments and to vest in a statutory creature of the Madras Government the so-called power to advise according to rules made by the creator, which advice the creator may either accept or reject or accept with qualifications. These are the three limitations of the Public Services Commission—appointment by the Local Government, having to carry out the rules made by the Local Government, and the recommendations of that body not binding upon the Local Government.

"So far as the actual clauses of the Bill are concerned, my hon. Friend, the Revenue Member, just skipped through them. I want to invite the attention of the House to a few clauses to show exactly what this Bill stands for. Section 4 of the Bill says: 'The Chairman and the other members of the Commission shall be appointed and may be removed from office by the Governor in Council.' I am sorry I did not sufficiently stress the significance of the word 'removed'. They are not only creatures, but creatures whose life is dependent on the will of the creator. Normally a creature lives until it chooses to kill itself, or suffers organic disease to take possession of it and kill it. But here the unfortunate creature cannot live even for a minute except by the continual sweet will and pleasure of the creator. So, the moment the chairman or a member makes one single mistake according to the Government, notice to quit will be given. What is the unfortunate Commission to do? They are first of all appointed by these gentlemen and they hold office at the sweet will and pleasure of the distinguished Members of the Treasury Bench. But then there is one great saving grace, i.e., 'No order of removal shall be made without the personal concurrence of the Governor of Madras.' This 'Governor of Madras' is one of those institutions which are above this House; so whatever it does, even if we ask a question as to what advice was tendered to the Governor in regard to a certain appointment, it is all 'confidential.' This is a stereotyped answer which we have all learnt to expect from the Treasury Benches. Therefore, what will happen is the unfortunate Governor of Madras will be used by these people to dismiss these men, and then when we ask questions the reply will come 'It is in Governor's discretion, you cannot ask.' The result is the three unfortunate men will live, move and have their being at the sweet will and pleasure of the Treasury Bench. I ask in all seriousness, is it pretended for one moment by any member who takes things seriously and who has any experience of public work that these three men—I know there may be and there are exceptions—are really going to be independent of this Government?

"Then, Sir, we have the functions of this great Commission which, as my hon. Friend the Leader (Mr. Venkatapati Raju) reminds me, are only advisory. That again makes this Commission really impotent. Let us take these sections: Section 9 says: 'The Commission shall advise the Local

[Mr. S. Satyamurti]

[31st January 1929]

Government on any question which the Local Government may refer to it in connexion with the recruitment to any provincial or subordinate service or special post'. That is merely advice. Then section 10 says: 'Where any competitive examination is to be held in India for the purpose of recruitment to any provincial or subordinate service or special post, the Commission shall (i) advise the Local Government in regard to the regulations prescribing (a) the qualifications of candidates, (b) the conditions of admission to the examination, and (c) the syllabus of the examination; (ii) announce the number of vacancies to be filled from among the candidates for the examination; (iii) make all arrangements for the actual conduct of the examination; (iv) arrange the candidates in order of merit on the results of the examination; and (v) forward a list of the candidates so arranged to the Local Government.'

"What happens to the list? Is it to be accepted? Nothing is said about it. They may upset the whole order of merit and choose other men. Then section 11 says: 'Where recruitment to any provincial or subordinate service or special post is to be made by selection' etc., the Commission shall advise the Local Government in regard to the regulations prescribing the qualifications, announce the number of vacancies and submit to the Local Government a list of such number as the Local Government may fix of the candidates whom the Commission considers most suitable for appointment arranged in the order of preference.' They have got only to make the suggestions.

"Then there is recruitment by promotion. 'Where recruitment . . . is to be made by promotion from a subordinate service, the Commission is again to advise after considering the claims of candidates and arrange the candidates in the order of preference.' Besides all this, there is section 13, which says: 'In the exercise of its functions under sections 10, 11 and 12, the Commission shall observe the rules, if any, made by the Local Government regarding the constitution of or recruitment to', etc. The words 'if any' there are significant. As the *Hindu* in its leading article pointed out the other day, it is an anomaly which the Madras Government is responsible for as contrasted with the Government of India. The Government of India have made elaborate rules with regard to recruitment, with regard to competitive examination, with regard to redressing communal injustices in recruitment and various other matters. Having made these rules, they have also made rules for constituting a Public Services Commission under section 96 (c) of the Act. The result is, the Government, the people and the services all know exactly what are the rules under which this Commission is functioning, and therefore it works much better than the Commission in regard to which we have no information, save some scrappy rules made now and then by the Government. If there are no rules, and if they are to function merely as advising the Local Government, then it is only a body to register the decrees of the Executive Government of the province.

"Similarly, with regard to appeals and memorials also, the Local Government merely asks them to advise on all matters and the opinion of the Commission is intended to be communicated to the officer or officers concerned. That is the only difference. And even the authorities lower in status than the Local Government, like heads of departments who have got to deal with censure and withholding of promotion and increments and so on, will treat the recommendations of this body only as mere advice and are not bound by it in any manner at all. And the whole scheme of the Bill is merely to

31st January 1929]

[Mr. S. Satyamurti]

deal with the constitution and recruitment of public services. I take it, Mr. Chairman, that all the other matters contemplated in section 96 (c) of the Act conditions of service, pay and allowances, and discipline will stand removed, entirely from the jurisdiction of this Commission, except by way of advice, and will be dealt with by the Local Government as in the past. Incidentally I may mention that sections 5, 6 and 7 provide for salaries to the Chairman and the two members on scales of Rs. 3,000 for the Chairman, and Rs. 2,000 for each of the other Members. Besides this, there is the Secretary on a salary not exceeding Rs. 1,500 and they can incur expenses up to Rs. 1,000 per mensem for all other expenditure connected with this.

"No doubt, considering the high salaries prevalent in this country, these salaries may seem fairly reasonable. But I think, Mr. Chairman, the time has come for the Legislatures of India when salaries are sought to be provided by their vote to apply their pruning knife. We must remember that we are legislating for one of the poorest countries in the world, if not the poorest; and I do not think that in this country of ours anybody can or need be paid more than Rs. 1,000. We cannot compare other countries where they may be paying higher salaries for similar or higher offices. It seems to me that it is another matter that has to be taken into consideration, and people have got to be educated on this matter also. No doubt, I am for making salaries of Chairman and commissioners, if they are appointed, independent of the vote of this House, but I do not see why the salaries of secretaries and clerks should be put outside the vote of this House as this Bill seeks to do. 1 p.m.

"If really the object of this Bill is so limited, I wonder why this Council should be asked to legislate on this matter at all; for, after all, recruitment is the most important function and in all well-recognized Governments the further stages of the Civil Service must work more or less automatically subject to punishment being awarded for inefficiency and dishonesty and reward being given to honest and efficient men, and, if this is to be kept out of the scope of the Public Services Commission, I should like to know exactly why this Bill at all in this truncated form should be placed before this House. In any case, my main ground for the Bill being circulated and adjourned is that we must know exactly the nature and the scope of the rules which the Madras Government have made or propose to make with regard to these important matters, especially recruitment, and the conditions of public service, and so on and so forth. Otherwise, we are merely voting for a skeleton without flesh and blood, and are merely appointing a Commission which is called upon to administer rules of which we have no knowledge except in a very scraggy manner and whose scope we cannot judge. I really do not see why the Government should not publish the rules or take a little more time to publish them so that we may know on what lines this Commission is going to function. Then, we shall know exactly the reasons as to why this Commission should have its salaries independent of the vote of this Council.

"Take, for example, the whole question of recruitment. Mr. Chairman, it is dealt with in sections 10, 11 and 12. I know there has been a great deal of agitation especially in this Province about recruitment. I have no desire to go into the vexed question of communal representation in the public services of this Province. That has been gone into *ad nauseum*, and I believe we have reached some kind of arrangement by which the predominance of a single community in the public services will be avoided and equal opportunities

[Mr. S. Satyamurti]

[31st January 1929]

subject to minimum standards of efficiency will be offered to all the communities of this Province. But then, Sir, when once you have laid down that dictum, there is scope, internal scope for so manipulating this formula as to make it nugatory and make it more a question of patronage. The recent instance which came before this House but was not disposed of was the motion regarding the promotion of subordinates in the Registration department. Even after the Public Services Commission is appointed such Government orders can be passed and rules made, and this Commission will have merely to carry out the *ipse dixit* of the executive. Then I ask why should we throw good money after bad in instituting this Commission? If Government are determined to have their own way and if the House is willing to give its support, I do not see why we should have this Commission. My own feeling is that Government must lay down certain principles as have been laid down by the Government of India in the form of rules. There is no doubt whatever that a particular community here or a particular community there may feel hurt, that a particular member of the community does not get the job every time such appointment is going to be made, and if each time the Government are going to alter the rules, in order that there might be a proper representation of the various communities in the Province, there will be no discipline, no efficiency, in the services. By all means let us face the communal problem, squarely and boldly. Let us lay down the rules and let those rules work automatically, no matter whichever community benefits or does not benefit at a particular time or when a particular vacancy arises. My complaint is that, without framing the rules properly, if you will merely appoint a Commission, it will give more room for communal bickerings and more than that, question of patronage and privilege will come into play very largely. So, I would ask the hon. the Revenue Member to consider this matter carefully, and see whether he cannot follow the rules now being worked by the Public Services Commission at Delhi on the lines laid down by Sir Alexander-Muddiman, when he was Home Member in the Government of India. This is what he said then :

'Now from the foregoing remarks it will be seen that I am not in any way hostile to the resolution which he has moved, but obviously in the form in which it stands it is a resolution which Government cannot possibly accept. I admit and Government have accepted before that there should be an adequate representation of minority communities. But we must qualify that by the fact that we cannot impair the efficiency of our public services by admitting persons who are not qualified to perform the duties which they are called upon to perform. That is a proposition which cannot be refuted. It gives me pleasure, however, to be able to inform the House that we do contemplate as regards the All-India services an extension of the present arrangements for securing representation for minority communities. We promise as I have said a consideration that I must continually emphasise that there must be an adequate qualification. No minority community can hope for or ought to hope for appointment to public service unless adequately qualified to render that public service. That is absolutely essential. I find the Indian Civil Service as a service where inequalities have possibly been more obvious than in other services. At present we reserve one-third of the vacancies in that service which will be filled by direct recruitment in India to redress these inequalities. We propose in the future to reserve one-third of the whole of the direct Indian recruitment. We shall, as in the past in exercising this power of appointment first observe the results of the competitive examination. If those results are satisfactory we shall be in no difficulty. If they are unsatisfactory we shall then resort to the process of nomination. We shall nominate as far as possible to the vacancies which we hold in reserve by selection from among the candidates who sat for the competitive examination and attained the adequate standard. If there are no such candidates we may have to adopt other means of obtaining them. If we cannot obtain candidates with adequate qualifications we shall not appoint them.'

"I believe that we must lay down some such principle. More or less, the same principle was laid down by Sir Malcolm Hailey earlier who was the then

31st January 1929]

[Mr. S. Satyamurti]

Home Member of the Government of India who wanted to prevent any one community or representatives of one province being treated better than others. Therefore, it is not impossible to lay down certain principles which we shall be able to translate into practice and not from time to time depend upon the whims and caprices of a Member of the Government in whose patronage a particular appointment lies.

"I should also in this connexion bring to the notice of the House the statement made by a man who cannot be said to hold any brief for any one community in this province, I mean Bishop Waller when he presided over the Madras Non-Gazetted Officers Conference, held towards the end of last year. This is what he says :

'The non-gazetted service was very popular in the land. For if one vacancy arose to-day there was a rush of hundreds of men for the place, each urging the claims of his poverty or the community to which he belonged whether a Brahman who was now the depressed class or an Adi-Dravida who was officially the depressed class. Communal representation as they urged might work among the candidates who were recruited but let it not work inside the services. It was only the Government which was compelled to recruit people that belonged to this or that community. In their own houses of businesses they would never think of doing it. They would recruit the person who knew his job. They (the Association) were perfectly right and it was sound to say that communal representation should not operate inside the services as the credit of the service demanded that the man with the best merit should be given the best job. There was no sense in saying that one should be passed over because it was the turn of some other community. It represented a disability under which the whole service would be suffering that promotion should go not by merit but by community. It would depress the members of the whole service. The following might be a proper slogan to be adopted "Communal considerations in recruitment : after recruitment promotion by merit".'

"I am mentioning this because, even after the Public Services Commission is appointed, these things may happen. If the Government without framing and publishing the rules were to ask us to give our seal of approval to this Bill, it will merely mean that the Commission will have to register the decrees of the Executive Government. I refer to another authority, Mr. Barker, the President of the Public Services Commission, who in presiding at the Convocation of the Patna University spoke as follows :

'I am on the side of Solomon. For merely every function in life even the most undistinguished, I prefer an educated to an uneducated man ; and if the heresy to which I have referred were well founded it would involve a negation of everything for which the University of Patna and the universities of India stand. The vast sums which have been lavished out of the scanty resources of the Government and the smaller sums which have been lavished out of the vast resources of individuals would indeed have been ill spent if the universities of India were unsuccessful in producing the best candidates for public services. To those too who maintain that in the choice of public servants no importance should be attached to academic brilliance but to some lower standard of academic attainment, requiring great perseverance, hard work and self-denial, I will only say that no crueller wrong could be done to the youth of India than to encourage them to come in their thousands to Indian Universities and then dispute their entry to the public services. I stand therefore before you as an unabashed advocate of the system of competitive examination for the purpose of manning the public service of this country. I am under no illusions about competitive examinations and can be under no illusions, possessing as I do an inside knowledge of them. In this world we can only aim at the best ; we cannot hope to attain perfection, and in spite of all its defects, I am of opinion that for India as it is the system of competitive examinations is the best and any other system is as a general rule not only not the best or even the second best but definitely bad.'

"It may be necessary under the present conditions to restrict the scope of competitive examinations in order to redress wrongs felt by communities. I have nothing to say against that, as a politician interested in the solidarity of this country. I do not want the small bickerings for the loaves and fishes of office to exist. But there should be 'a method in the madness'. It should not be left to the individual decision of the hon. Revenue Member or the Home Member or the Minister. Rules should be laid down stating for

1-15
p.m.

[Mr. S. Satyamurti]

[31st January 1929]

example that two-thirds should be reserved for open competition and the remaining one-third for nomination to redress inequalities among the various communities on some basis or other, which would work automatically, irrespective of the personality of the presiding officer in the Commission.

"If this Commission is not going to be made much more independent of the Local Government than it is proposed to be and if rules are not going to be made to regulate these things automatically, I dread to think of the consequences of the establishment of the Commission on this House and its successors. I believe there is a provision in this Bill which disqualifies certain people from being members of this Commission. I do not believe there is any section which says that Members of the Legislative Council shall not be appointed to be members of this Commission. I do not see it here. I believe Government will not commit the crowning wrong of offering Members of this hon. House jobs on this Commission. I hope also that every Member of this House will decline it if offered. We have a right to sit in judgment over the doings of this Commission and the doings of the Government. It will be a sad travesty of our duties and obligations *vis a vis* the Government, and the Commission, if Members of this House are going to be offered seats on this Commission. If however we are not going to keep out of this House the patronage activities of this Commission and the Government, we shall never be able to build up what has been achieved in other countries and particularly in England where we find that the fights between the two front benches are carried on almost always on public questions and not on personal question of patronage. Lawrence Lowell, a great authority on such matters, says—

'The House is engaged in almost ceaseless battles between the two front benches with the ranks of their followers marshalled behind them; and the battles are over public matters. Questions affecting private, personal or local interests occupy a relatively small share of the attention of the Member of Parliament. He is primarily the representative of a national party elected to support or oppose the Cabinet, rather than the delegate of a district sent to watch over the interests of his constituents, and push the claims of influential electors. The defence, said to have been triumphantly made elsewhere, by a member accused of absence from important divisions, that he had procured more favours for his constituency than any other representative, could not be pleaded as an excuse in England. Hence the ministry is not compelled to enlist personal support either in the legislature or at the polls, by an appeal to private gratitude. It can afford to turn a deaf ear to solicitations for patronage, and stand upon its public policy alone. In short, the enormous strength of party, in the legitimate sense of a body of men combined for a common public object, has enabled the Government to do what it could not have done so easily had party required the support of artificial props.'

"I do not want to compare this House with any other House; for I have too much respect for this House to do so. I would ask every hon. Member to ask himself whether we have reached that standard by which we discharge our duties with a sole eye to the public good of this province and without thinking of the personal considerations either for ourselves or to our constituency or to our supporters. If things are not as ideal already as they ought to be, I ask where we would be if we add to our difficulties, the difficulty of influencing the distribution of patronage. Our position will become intolerable. We, in the Opposition, may be wiped out, if really the Government in this country is going to be carried on on the basis of distribution of patronage. If Government are going to perpetuate these difficulties by distributing jobs by walking behind a stalking horse called the Public Service Commission, I am afraid party Government as it is developed in other countries will become almost impossible in this country. More than that, I feel that so far as the future of this country is concerned, we must

31st January 1929]

[Mr. S. Satyamurti]

take very great care that the troubles which other countries had to go through on account of the spoils system, to use a compendious phrase, do not overtake us. We should do something early enough, to see that we do not allow our judgment to be influenced by benefits which may accrue to our party by getting the patronage in our hands.

"In other countries like America this problem assumed very ugly proportions and they are now engaged in a very earnest attempt to reform their civil service. A great writer says—

'Under existing conditions the possibility of a complete civil service reform, as generally understood, depends on whether our parties can be convinced that they can exist without their present elaborate organizations, or can maintain these organizations without the coercive power of the public offices. If the organizations are maintained, reform is impossible, unless a substitute is found for the spoils system. If the substitute be money, the change is a bad one; if it be argument and the devotion of earnest men, is good.'

I hope it will be given to this country to establish party Government on sound lines, to build our parties not by distribution of patronage, but by the good and earnest work of the people for the country.

"From the point of view of the officials themselves, there is a great deal to be said for the feeling that they ought to be independent of political influences. In this House, as in the Legislatures of India, there is a body of permanent officials with whom I sympathise. They have neither ears nor eyes nor mouths except those of their political chiefs. If they say that they must vote against two and two being four, the permanent officials should do it; otherwise the convention is supposed to be broken. If officials are to be appointed to this Council at all, I suggest that they should be given freedom to vote as they like. Or a better method of saving their time will be to evaluate the votes of these members on the Treasury Bench and say that the vote of the hon. the Home Member is equal to four votes and the vote of the hon. Minister is equal to four votes and so on. Let these tired men go to their chambers and do their work. For it really does not matter very much. They very rarely speak and they never vote against their chiefs. Let us therefore establish a convention that when the Home Member rises he is supposed to have cast four votes. Why should we have permanent officials here who cannot express their opinions? I do not say they agree with us; sometimes they may, sometimes they may not. We have no means of knowing whether they agree or not with us. The public services of this country ought to become perfect and independent of political influences before we can make Swaraj, which I hope we shall soon win, a real democratic Swaraj. We cannot really govern this country properly for the permanent good of the vast masses of this country unless we have an incorruptible, efficient and independent public service. I attach great importance to it and the officials must cease to become politicians and must learn to carry out the orders of the Ministers whether they be a cursed 'Swarajists' or blessed 'constitutionalists.' It does not matter who guides them, so long as their official careers are not made dependent upon the favours of their political chief. The promotion and prospects should not be made to depend on the whims and caprices of the temporary occupants of the Treasury Benches. I am anxious that in all matters of recruitment, promotion and disciplinary action there ought to be a non-political body independent of the Government of the day and anxious, competent, and willing to do justice by the people who belong to the services and anxious to preserve the integrity of the services. If to-day, among

[Mr. S. Satyamurti]

[31st January 1929]

other reasons, the Government of Great Britain is on the whole efficient, it is not a little due to the status of the permanent service. Ministers come and Ministers go, but the permanent service goes on for ever. That cannot be achieved in this country unless you make the public services absolutely independent of the personality of the Treasury Bench.

"I have advanced these arguments to plead that the second reading of this Bill should stand adjourned until we know very definitely and exactly what the Government propose to do with this Commission. As the *Hindu* has put it neatly in its issue of the 24th January.

"It seems to us therefore, that before the Madras Government proceed to enact the Madras Public Services Commission Bill, they should accept and lay down by rules, the above principles, the principles enunciated in the speeches of Sir Malcolm Hailey in the Assembly, of Sir Alexander Muddiman in the Council of State, supplemented if I may say so, by the principles laid down by Bishop Waller in his address to the Madras Non-gazetted Officers' Association, and by Mr. Barker in his convocation address to the University of Patna. It is only by this means that the function entrusted to the Commission will be justly and satisfactorily discharged. Otherwise, as the *Hindu* continues to point out, 'The Commission will simply constitute an additional set of officials for perpetuating the present unsatisfactory system of recruitments and promotions in the provincial and subordinate services in Madras.'

"I attach a great deal of importance to this question of promotion. I speak under the well-known disability of being a Brahman, but I claim we can rise above prejudices which are supposed to belong to our community. I do suggest that in the interests of efficient Government of this country, in the interests of the masses of this country, whose names we constantly invoke and often abuse, the permanent interests of this country demand that once a man is recruited to the public service he ought not to labour under the apprehension of being differentiated for belonging to a particular community."

The hon. the PRESIDENT :—"The hon. Member may continue his speech after lunch."

After Lunch (2-30 p.m.).

•MR. S. SATYAMURTI :—"Sir, I was saying, when we adjourned for lunch, that whatever may be the rules which may be made or which may have been made with regard to what I may call initial recruitment, once a man enters public service his future should be wholly in his hands. If he is honest, efficient, and zealous in the discharge of his duties, the highest rewards of that service ought to be open to him irrespective of the caste of himself or of his parents. Similarly if a man is not up to the mark, and does not conform to the highest standards of efficiency, honesty and integrity in the service, neither the caste of himself or of his parents should screen him from the punishment or denial of promotion which must be his due, because of his own want of character and qualifications. I am sure, Mr. President, that every hon. Member of the House will agree with me in laying down those principles. But the difficulty comes in when we seek to work those principles.

31st January 1929]

[Mr. S. Satyamurti]

"There are appointments and appointments and by a mere jugglery of words, promotions in the strictest sense of the word are translated into fresh appointments. Promotions to which people have learnt to look up, promotions for which they have been working have been converted, by a stroke of the pen, into fresh appointments and it has been asserted that out of one hundred and fifty good men, and true, who have spent the best part of their lives in the Government may be told that, 'for no fault of yours but for the accident of your being born to a particular class of parents you shall not get what you should otherwise get.' That seems to me to cut at the very root of the efficiency or honesty of Government service. Therefore it seems to me that the rules should make it perfectly clear that, excepting for special posts or special grades of posts which may be created or for which direct recruitment may be provided for either from outside the ranks of the service altogether or by *selection* from the lower grades, all rewards of high merit by way of normal promotion should be allowed to accrue to the lower service without any attempt at depriving of what is legitimately due to them. I am speaking, of course, of the recent Government Order in the Registration Department of this Government. I know that my opinion is not shared by some sections of this House. But I would appeal to them in all earnestness and humility to think not merely of the present but also of the future and remember that, according to that rotten principle, the most efficient non-Brahman, the most efficient Indian Christian, the most efficient Mussalman may be deprived of his just chance of promotion or appointment because of these circumstances.

"The gift of a sympathetic imagination is a rare one. I appeal to my hon. Friends of this House to attempt that task and place themselves in the position of a hardworking Government servant who, after fifteen or twenty years of loyal and efficient service, is told 'thus far and no further because you happen to be born of a certain class of parents.' It seems to me that it has simply to be stated for its absurdity to be exposed. At the same time the circumstances of this Province are such and the feeling that one community has, in the past to a large extent, occupied the public service is so strong that these arguments may fall on deaf years for some years to come. But I have no doubt in my own mind that, when the implications of the introduction of caste or communal principle in the grades of service begin to be realized by all Members of this House and others, they will agree with me that it is not right to interfere thus with the foundations of public service in this country. I am also anxious, Mr. President, as I was saying, that we should attempt to recruit our services from the best elements available and give them guarantee of their future and that we should be anxious to build up a public service in whose integrity and in whose impartiality the public can have ample confidence.

"I will read from a book, the 'Principle of Official Independence', by a man who knows what he is writing about. He refers to Canada. It is suggested that these difficulties which are a serious menace to Canadian national life can be partially solved by greater regard for official independence and all that it connotes. This and many dangers that have been enunciated serve to emphasise a real need for a better understanding of the principles underlying the conception of independence. It has been pointed out in the opening chapter that a modern democracy with a universal suffrage cannot work efficiently without the aid of the professional official. Therefore it seems

[Mr. S. Satyamurti]

[31st January 1929]

to me that, as we are looking forward more and more in this country for democratic swaraj and all that it connotes, we should see to it that the integrity of public service is amply protected. That is why I feel that the relevant rules should be published before this House can be reasonably asked to pronounce upon this Bill.

“The danger of rushing this Bill through at this stage without placing before the House all relevant rules on the matter cannot be better illustrated than by the case of Municipal Service Commissions in other countries. The ideals would be that these Civil Service Commissions should be non-political in character, that they should faithfully enforce the principles of merit, and that they should maintain continuity of employment policy. On the other hand, Mr. President, if, without taking proper care, we allow these commissions to be set up in the form in which they are now sought to be, the result will be, as has been found in the case of Municipal Service Commissions elsewhere, our Civil Service Commissions may be found to have been under political domination rather than under professional guidance, the individual members of the Commission usually being appointed more largely on account of political considerations than because of their understanding of employment problems. I draw the attention of this House to this particular point that, in more advanced countries democratically speaking, they find that the commissioners to the commissions are usually appointed more largely on account of political considerations than because of their understanding of the employment problem. Again, Sir, it may be that ‘although some of our commissions have shown notable courage and devotion in the case of our civil servants generally speaking, we have not secured faithfully the enforcement of merit principles.’ I do not desire to say more on this point. I trust I have said enough to convince this House that although on the face of it a *prima facie* desire to form a Public Services Commission is uppermost in our minds, a mere phrase will not satisfy us. We must not mistake the shadow for the substance. Let the rules be published; let us know exactly where we stand; more than that, let the Government make up their minds to vest the appointment of the Commissioners in the Secretary of State or an outside authority; let them not be creatures of this local Government and let us also know that in the appointment of these Commissioners political considerations will not enter. Last, but not least, let us also know that the desire is not to use the public service as props to keep up parties in power but to get for the mass and the people the best and the most efficient service for the taxes they pay. With these words, Mr. President, I beg to move that this Bill be circulated.”

MR. J. A. SALDANHA :—“Mr. President, Sir, I beg to second this motion. I need not spend much of my speech on this subject as all the points that are desirable to be considered for the appointment of a Public Services Commission have been dealt with by my hon. Friend, the Representative for the University. What is desirable is that the Public Services Commission should be an independent body, independent of political considerations, independent of church considerations or any other considerations. This Bill is so drawn up that it gives us no safeguard against the Commission being hand-maid of the Government and perhaps of the Ministry in power for the moment, because it provides also for the removal of any of the members of the Commission without any ground. No period is fixed for the holding of office by the Commissioners. Disqualifications and disabilities are not comprehensively mentioned. For

31st January 1929]

[Mr. J. A. Saldanha]

instance a commissioner should not be a Member of the Legislative Council. As pointed out by my hon. Friend, Mr. Satyamurti, we are not aware of the rules and of the classification of the services. The Legislative Council should have a control on the appointments to be made, on the principles of the classification of the service and on the principles on which appointments should be made. The main considerations should be those of qualifications and efficiency. These considerations cannot be left to the will of the Government but should be, to a great extent, placed under the control of the Legislature. With these words I second the motion of my hon. Friend."

* The hon. the PRESIDENT :—"The question is that for the motion of the hon. the Revenue Member to substitute the amendment with the words, 'that the Bill be circulated'. Both the motion and the amendment are for the consideration of the House so that the principles of the Bill as well as this may be discussed."

2-45
p.m.

* Sriman BISWANATH DAS Mahasaya :—"Mr. President, Sir, I very heartily support the motion of my hon. Friend the Member for the University. We from this side of the House always wanted to have a Public Services Commission. So it may come as a surprise to many that we now propose to circulate the Bill for public opinion in the country. We never wanted a Bill of the nature that is now introduced before the House. A Public Services Commission should be established in this Province which would be guided not by the Executive Government but by definite set of rules and whose functions will be quite distinct and away from the political or party influences in the country. But that is not what is being proposed by this Bill that is now introduced by the hon. the Leader of the House. Speaking for myself and also the Oriya community of Madras which partly I have the honour to represent, we have got practically nothing ever since party influences came to play in respect of loaves and fishes. So it is quite wrong and a travesty of truth to say that each class and community is getting its due share under the reformed dispensation or ever since the party system has come to existence. Therefore experience, sad though it has been, makes us think that each man, each class and each community who desires for a place in the public service should have a fair field and no favour. Communities which are not represented in service should be given some sort of representation, should find representation not by selection but by some sort of competition offering the best among them. That is the system that is being propounded in the Public Services Commission of the Central Government. Unfortunately this Government have not come forward with definite proposals or definite set of rules which will regulate the activities of the Public Services Commission in Madras. All that the Bill proposes is it relegates the Public Services Commission to the position of mere advisers, advisers to the Government and we know how the Government is going to accept that costly advice. Our past experiences are very unfortunate and I feel that the outcome is dust against weight for this Province has to pay a sum of Rs. 1,20,000 a year, if my calculations are correct. It is to maintain the costly staff and establishment. One would not mind this expenditure if it had an independent and important function to perform so as to ensure an efficient selection. But that is not what is supposed to be done here. Sir, the Bill is based on the lines of section 96-C of the Government of India Act. 96-B lays down that the local Government will have to discharge such functions as are delegated to it by the Secretary of State for India. In the first place we do not know what are the powers that have

[Sriman Biswanath Das Mahasayo] [31st January 1929]

been delegated by the Secretary of State. I closely followed the hon. the Leader of the House and he did not give us any idea as to the powers that this Government have been delegated by the Secretary of State. These are important objections regarding the general principles of the Public Services Bill. Then coming to the Bill itself, Sir, I find that the Governor in Council has been the sole determining factor in appointing as also in dismissing the members of the Public Services Commission. This is a position to which we ourselves cannot agree. If you want to make the Public Services Commission independent of itself and free from all political influences I think it is but fair to the Commission that they should have independent existence governed by a set of rules or Act and be removable only by an address of this House. But this is not what is being proposed in the Bill. Then, Sir, there are two kinds of appointments proposed to be done, i.e., selection and competition. In the first place we do not know what are the places which are to be kept for competition and why at all selection is to be resorted to; if selection is to be kept on, whether persons to be selected are to be selected out of communities not represented in the competitive examinations or from communities and castes that are represented by candidates appearing for the competitive examinations. All these are thorny questions which have to be faced by Government and I think it is but fair that they should frame a set of rules as was done by the central Government and then come forward with a Bill and ask us to give our seal of approval. Sir, the Bill proposes very important functions to be relegated to the rules. It surprises and passes our comprehension why these rules should be framed by the Local Government without the consultation and the approval of the Legislative Council. I do for my part desire that the legislature should have nothing to do with the work of the Public Services Commission because we concede the principle that the Public Services Commission should be away from party influences. But that is no reason why the procedure and the activities of the Public Services Commission should not be bound by rules framed by the Local Government with the approval of the Legislative Council. These are important functions on which we have got our differences. So I think it is fair that such an important Bill of this character which commits the Provincial Revenues every year to the extent of 1½ lakhs and commits us to very important principles should have sufficient time for deliberation. Of course the hon. Member is right in his own way in giving seven days notice according to the rules. If I remember right it was published just a few days ago. It technically follows the Standing Orders in giving eight or ten days notice. An important Bill of this magnitude should be given sufficient time not only to consult ourselves but to consult the public opinion and the constituency whom we have to represent. With these words, Sir, I strongly support my friend's motion for circulation of the Bill."

* Rao Bahadur Sir A. P. PATRO :—" Sir, I carefully listened to the very lengthy address which the hon. and Learned Member for the University was pleased to deliver in the House. With due respect to him and to this House I venture to suggest that all that eloquence could have been spared to us if he had only read out to us the leading article in the *Hindu* from which all his arguments are drawn with running comments also based on the views expressed therein. The points that he sought to make out are that people have to be educated on the merits of the Bill and therefore it is premature, time must be given; hence there must be a re-circulation. The second argument in support of his position was that the rules should be framed and the rules must

31st January 1929]

[Sir A. P. Patro]

be published before the Bill. These are the two main grounds which are relevant for discussion of the motion of adjournment. The first, viz., that there was not time enough for people to discuss the matter, can be easily disposed of. Already there has been some discussion in the press and if the House still wants any further time for the purpose of making up its mind on the merits of the Bill there is the interval between the time when the Bill is referred to the Select Committee and the time the Select Committee could dispose of it. There is plenty of time for members of this House and the public from the day of reference to the Select Committee until disposal by the Select Committee. Therefore that argument I submit is not at all sound nor do I think it is very seriously advanced.

"The second argument in favour of the adjournment is that the rules must be published, in order to know the nature and scope of the Bill. I am surprised to see that an independent Congresswallah should have gone to this length, namely, that we should not trust the Government of our own people. That is to say, we are going to have provincial autonomy and yet we do not want to submit ourselves to our own representatives to frame rules and regulations to control the services. The executive Government has the power to frame rules to control the services, it is not for the legislature to intervene in regard to this control. The hon. Member for the University has himself alluded more than once to the peculiar circumstances of our country; therefore Government have to frame rules from time to time as circumstances arise. In other words, you will be surrendering the powers of the executive Government to the legislature. Government's policy is well known and the rules hitherto made are also known to the public. The House already laid down policy. Hence the proposal is to appoint an independent body like the Services Commission for the purpose of selection of suitable candidates for all the services and in the matter of selection certain rules will have to be framed by executive Government.

"Take again the analogy of the Government of India. In the case of the All-India Services Commission, it is the Secretary of State that framed the rules. He appointed the Services Commission. Now, one of the arguments advanced by the hon. Member for the University is that Government should not appoint members but some extraneous authority must appoint them. His patriotism and his love of freedom would be satisfied if the Secretary of State made the rules and made the appointments for the Public Services Commission in Madras but he would not repose confidence in the local Government in the matter of making the appointments to the Public Services Commission. I leave it to the House to see how far this can be accepted.

"Again, the hon. Member said that the Commission has to carry out rules framed by the Government. Similarly in the case of the Commission appointed for the Government of India, it has to carry out the rules framed by the Secretary of State. Every Commission appointed will have to accept or adopt the rules framed by the executive Government of the time. I submit that argument also falls to the ground.

"Then, he quoted the authority in support of his remarks of Bishop Waller. I have great respect for him and he may be a good authority on Church Law but in so far as political controversies are concerned, it is really strange to quote his authority. Again he quoted Sir Malcolm Hailey and some text-book writers, who say that every community in the country should

[Sir A. P. Patro]

[31st January 1929]

have equal justice. The circumstances of our country are such that there is a preponderance of one particular community and it is the aim and struggle of every other community to have its own proper and legitimate share in the services. That being so, it is impossible to lay down categorically, and text-book writers will not be able to help us very much. I admit that justice must be done to all who possess merit, but the bogey of efficiency has been too much pressed in this province more than necessary. The bureaucracy must realize the danger of making a fetish of efficiency. I warn the Government to see that while the standard of efficiency should be kept in view the special circumstances prevailing in this country must be fully kept in view; otherwise it will lead to dangerous positions. Therefore, it is essential that the authorities in the provinces must take into consideration the circumstances prevailing in the country. And, the Commission should be an independent Commission. But why should we distrust the Government? Has there been any reason for that? We know it is the favourite game of a particular set of people to raise a cry before they are hurt and warn Government as a threat. The real object of the motion for republication is to thwart the Bill and cause unnecessary alarm.

"Sir, my hon. Friend has referred to several matters relating to recruitment. I think they are all irrelevant at this stage of the Bill. There is nothing on the merits which commends the acceptance of this motion for adjournment. When the Bill is referred to the Select Committee, all other points that may come up may very well be considered by the Select Committee."

MR. ABDUL HAMID KHAN:—"Sir, I did not intend to intervene in this debate, because in the beginning I myself believed, on a cursory reading I made of the Bill, that the Bill might be referred to a Select Committee. But after hearing the Floor Leader of the Justice Party who came forward with arguments for allowing this Bill to go as it is to the Select Committee without further publication, I thought that it was time that we called halt. Sir, the Bill that has been placed for consideration is a mere skeleton. It does not satisfy the requirements which are necessary to enable the House to come to any decision on the fact whether this Bill is acceptable or not. I say it is impossible for any member who is interested in the welfare of the administration of this province to agree to the reference of this Bill even to a Select Committee, as the Select Committee cannot alter the principles that are involved in the Bill. It may make changes here and there, but certainly it cannot change the nature of the Bill. Sir Patro referred and rightly referred to the necessity for communal justice, and justice for all communities concerned. At the same time he made a mistake. He said that it should be done at the expense of efficiency. Sir, I do not agree with him there. (Sir Patro: 'I did not say so.') If I remember aright, he said that the bureaucracy was making a fetish or making too much of a bogey of efficiency. Certainly, Sir, no administration can ignore the fact that it is essential and it is the first principle. At the same time, I submit, my friend who belongs to the non-Brahman community gives away the case when he says that they cannot find efficient people even in their own community. I should think, going on hating again and again a community which had the advantage over other communities in the matter of education is not desirable. It is only when communities other than Brahman take to education and compete with the Brahmans and at the same time take their place, that certainly

31st January 1929] [Mr. Abdul Hamid Khan]

they will be given their due share. At the same time I say, in order to do communal justice, the Government have to make some provision whereby they can give redress to the grievances of other communities. Now what is happening in regard to the appointment of officers under the bureaucracy is that the persons who are really efficient and who have a legitimate right to the office are ignored, because of the fact that they belong to poorer communities, because of the fact that they do not have influence with the Members of Government, and because they do not have godfathers. What happens is that friends of members and other relatives have got a better chance to those services; whereas people who do not have those advantages go to the wall. Therefore, safeguard is absolutely necessary with a view to give an opportunity to communities other than those who are preponderating elements in the services of the country. The proper thing that should be done is to throw open these appointments for competition among the members of those communities themselves. If the Government wishes to appoint a certain number of Muslims to a particular office, that Commission which might come into existence should have rules framed in a manner that they should provide for competitive examination among the members of that particular community, so that they could give an opportunity to the best men in the community to get themselves appointed. Further, Sir, this Bill, I mean, proviso to clause 4, allows Members of the Government after retirement to also occupy these offices. I may, in this connexion, say, that we at least in this Council, before we give our assent to this Bill, have to take particular care to see the mentality that prevails in the Commission. My fear is that if we appoint on the Commission Members of the Government after their retirement, I do not know if we will not be perpetuating the same mentality in the Commission also. Therefore, I do believe that if at all they wish to make the Commission an independent body, which should not be influenced by the heads of departments, a body which will not, in one way or another, be obliged to the Members of the Government—it is only when they are independent that they can do justice—ex-Members of Government should not be appointed. Sir, I am afraid, the salary that is fixed for the members of the Commission is high. One might say that the salary is fixed so high in order to keep them out of temptation. But certainly, Sir, in a country like this, I do not think it is necessary that such salaries”

*The hon. the PRESIDENT :—“ I am afraid that the question of salary is a matter of detail rather than a general principle of the Bill.”

3-15
p.m.

MR. ABDUL HAMID KHAN :—“ Very well, Sir, the principle that I wish to press when I referred to the question of salary is that we in this country ought to try wherever possible to cut down salaries.

“ Then, Sir, the appointment of these commissioners is made by the Governor and it is also stated that His Excellency the Governor can also dismiss or remove them from office whenever he likes. Here I say, Sir, it is a copy of what is obtaining in England. In England the Civil Service Commission, as it is known, is appointed by the Crown on the advice given by the Premier. Here also if similar circumstances as prevail in England are existing, we could have understood this authority given to His Excellency the Governor. Until and unless we have provincial autonomy, complete provincial autonomy, I do not think that that analogy will hold good

[Mr. Abdul Hamid Khan]

[31st January 1929]

in our province. Sir, it is in order to prevent jobbery, it is in order to give opportunity for members of the backward communities and communities other than those which preponderate in the services that a Public Services commission is sought to be brought into existence. But if that Commission is not going to prevent the evils sought to be prevented, then I say, Sir, no salvation is in sight. Unless this Public Services Commission is made an independent body, a body which is in no way obliged or responsible to the bureaucracy, to the authorities of the Government, I say, Sir, that that body will not function independently. One may say that instead of giving the power of appointment of this Commission to the Local Government, we might give it to the Central Government. But there again, the difficulty comes that in so far as we do not have the amount of freedom, the power which we should have in an autonomous province, it won't be helpful. It is the self-same members of the local Government who will be the advisers of the Central Government. Therefore, Sir, in view of the fact that it is hoped that the provinces will soon have provincial autonomy and that we will be independent in our own provinces, I say that we should have the authority vested in the Government of the province, but at the same time we must have sufficient safeguards to see that the evils which are sought to be removed by the appointment of a Public Services Commission are not perpetuated by bringing into existence a Commission which will not be independent of that Government that is existing to-day."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, I accept your suggestion and pass over what are, comparatively speaking, less important matters such as whether the Commission should consist of more than three members, whether any of the members should be permitted to look forward to other appointments even under the limitations imposed by the sub-clauses in section 4, whether their pay should be unnecessarily large, whether there should be any Government officer present along with the Commission when they sit and select people, and whether again the process to be adopted for appointing people should not be more exclusively by competition than by any other method. These and other matters I pass by. But there are two questions in connexion with this matter, Sir, which to my mind are very important and should be seriously considered by the Council. I refer to the observations made by the hon. Member for Ganjam, namely, that in the Council some of the members are less inclined to view with confidence and trust their own government than they are willing to regard governments elsewhere. He spoke, Sir, as if provincial autonomy was already an accomplished fact and asked us whether we could not trust our own men. But we are dealing with this Bill here and now. What are the circumstances under which we are considering this Bill? We have no provincial autonomy now. We are working under the diarchic system of Government which to say the least has most demoralizing influences (Hear, hear) and I should wish that any Commission to be appointed here should be really independent not merely in theory but in fact. Who are the people, Sir, who are going to appoint these commissioners? Is it the Governor in Council? I want to know what power the other Members of the Government will have in the selection and appointment of these people. Is the Reserved Half going to exercise its own power and select any people they like and compel the Ministry to accept the choice (Hear, hear) of people that may be made to the Commission? And again,

31st January 1929] [Mr. A. Ranganatha Mudaliyar]

Sir, the question of the rules is a very serious matter. I hope that the rules will be made and placed before the Council so that we may judge this Act in the light of the rules they will frame for the working of this Commission? I do not know if the Government ever attempted to formulate them, or having attempted it, they found the task difficult and left it alone. Sir, the power is given here to the Government to frame rules. The rules will not even come before the Council for adoption before they are going to be acted upon. Now, Sir, we know how rules are framed by different Members of Government in their own peculiar fashion. Only the other day we had an answer from the hon. the Revenue Member saying that the rules which enunciated that appointments should be in a certain proportion and by rotation according to communities applied only to recruitment. But all the same these rules which according to the hon. the Revenue Member were meant only for recruitment were deliberately applied to promotion. By no stretch of imagination could it be said that the recent appointments in the Registration department to which exception has been taken partake of the character of 'recruitment.' Surely it was a case of promotion, Sir. And yet the Government Order which was issued only for recruitment was misused for application to cases of promotion. So, I say that the Council should insist that these rules should come up before the Legislative Council for ratification before they are to be acted upon. These are the observations I wanted to make, and they represent views which I am holding not merely now but have always held and expressed also."

* The hon. Sir NORMAN MARJORIBANES:—"Mr. President, Sir, I will just briefly notice one or two points in the remarks made by Members opposite. One argument against the Bill on its merits was that it was a fraud on the statute, so to speak. The delegation rule provides that while the local Government has power to make rules regarding the method of recruitment, the previous sanction of the Governor-General in Council should be required to make first appointments otherwise than as a result of competitive examination or on the advice of a permanent board of selection. So, presumably the idea of that rule was that this Government should set up such a board. This is exactly what we are proposing to do. So why it should be regarded in any way inconsistent with the delegation I cannot see.

"The next criticisms which I wish to notice are that this body we propose to set up by this Bill is removable and that its functions are advisory. I cannot pretend to any complete knowledge of the Public Services Commissions in the world. All of them that I know of are removable by the Government that they work under and their functions are advisory. The Public Services Commission in England is certainly removable by His Majesty's Government and it is only advisory in its functions. So in India the Public Services Commission at Delhi is removable by the Government of India and is only advisory. I cannot imagine how any Government could have a body constituted by or functioning under it which is entirely independent of it in that way. It is the strength of public opinion and convention that makes the advice of the Public Services Commission accepted without question, not a provision of law.

"Then as regards the question of the rules, Sir, this Bill does not provide at all for the making of any rules of the kind that the hon. Members are referring to, and the making of those rules must follow this setting up of the

[Sir Norman Marjoribanks]

[31st January 1929]

Public Services Commission, but not precede it, because if we make such rules, then we can make no appointment except with the previous sanction of the Governor-General in Council, which is a very cumbersome and inconvenient procedure. As a matter of fact, it has been stated in answer to a question put by the hon. Member for the University, that in the case of those services where the requirement of technical qualifications does not make any communal rule of recruitment unworkable, it is proposed to follow a certain rule which was set out in full in the answer to that question. As regards other conditions of recruitment, there is no intention of departing from the standards at present prescribed by executive orders which have been in force in every department for a very long time. It is not until this Commission is set up that we can give statutory effect to those orders and to the restriction in regard to communal considerations to which reference has already been made.

3-30
p.m.

"There is no reason why, for want of rules, the matter should be postponed. Speaking generally, a motion to postpone the discussion is tantamount almost to a motion for a rejection of the Bill. If it is circulated, it is doubtful whether another opportunity could be found for its re-introduction. Then there is the time to be taken by the Select Committee for consideration. So the Bill would not be likely to pass into law within the normal lifetime of the Council. I cannot prophesy there will be any extension; it is not within our power. So, I would ask the House to support this motion."

The hon. the PRESIDENT:—"I think that the House is ready for a vote. I now put the amendment of Mr. Satyamurti to the vote of the House, viz.—

'That the Public Services Commission Bill be circulated.'"

The motion was declared lost.

Mr Satyamurti demanded a poll and the House divided thus—

Ayes.

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| 1 Mr. S. Satyamurti. | 16 Mr. A. Parasurama Rao. |
| 2. " C. V. Venkataramana Ayyangar. | 17. " O. Ramasomayajulu |
| 3. " P. Anjaneyulu. | 18. Basheer Ahmad Sayeed Sahib Bahadur. |
| 4. " P. C. Venkatapati Raju. | 19. Mr. P. Bhaktayatsulu Nayudu. |
| 5. " J. A. Saldanha. | 20. Sriman Biswanath Das Mahasayo. |
| 6. Abdul Hamid Khan Sahib Bahadur. | 21 Mr. A. Kaleswara Rao. |
| 7. Mr. C. S. Govindaraja Mudaliyar. | 22. " R. Srinivasa Ayyangar. |
| 8. " G. Harisarvottama Rao. | 23. " K. Koti Reddi. |
| 9. " C. N. Muthuranga Mudaliyar. | 24. " L. K. Tulasiram. |
| 10. " K. V. R. Swami. | 25. " C. Marudavanam Pillai. |
| 11. " D. Narayana Raju. | 26. " K. Madhavan Nayar. |
| 12. Dr. B. S. Mallayya. | 27. " O. Venkatarangam Nayudu. |
| 13. Mr. K. Uppi Sahib. | 28. " B. Venkataratnam. |
| 14. " K. R. Karant. | 29. " K. S. Sivasubrahmanya Ayyar. |
| 15. " C. Obi Reddi. | 30. " K. R. Venkatarama Ayyar. |

Noes.

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| 1 The hon. Sir Norman Marjoribanks. | 9. Diwan Bahadur P. Kesava Pillai. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur | 10. Mr. V. Ramjee Rao. |
| 3. " Mr. T. E. Moir. | 11. " G. R. Premayya. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 12. Swami A. S. Sahajananda. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 13. Mr. K. Abdul Hye Sahib. |
| 6. " Mr. S. Muthiah Mudaliyar. | 14. " K. Ramachandra Padayachi. |
| 7. " Dr. P. Subbarayan. | 15. " H. F. P. Hearson. |
| 8. Dr. (Mrs.) Muthulakshmi Reddi. | 16 Rajkumar S. N. Dorai Raja. |
| | 17 Mr. C. E. Wood. |
| | 18. " F. E. James. |

31st January 1929]

Noes—cont.

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| 19. Rao Bahadur Sir A. P. Patro. | 41. Rao Bahadur O. M. Narayanan Nambudri-pad. |
| 20. Maharaja of Venkatagiri. | 42. Mr. T. M. Narayanaswami Pillai. |
| 21. Diwan Bahadur P. C. Ethirajulu Nayudu. | 43. „ N. Siva Raj. |
| 22. Mr. P. T. Rajan. | 44. Rao Sahib J. C. Guruswami. |
| 23. „ T. K. Chidambaranatha Mudaliyar. | 45. Mr. V. I. Muniswami Pillai. |
| 24. Muhammad Khadir Mohidin Sahib Bahadur. | 46. „ C. D. Appavu Chettiyar. |
| 25. Diwan Bahadur S. Kumaraswami Reddiyar. | 47. „ A. B. Shetty. |
| 26. Rao Bahadur B. Muniswami Nayudu. | 48. „ J. Bheemayya. |
| 27. Mr. K. Sarabha Reddi. | 49. „ R. Foulkes. |
| 28. „ A. V. Bhanoji Rao. | 50. „ P. J. Gnanavaram Pillai. |
| 29. „ T. M. Moidoo Sahib. | 51. Mahmud Schamnad Sahib Bahadur. |
| 30. „ Chavadi K. Subrahmanya Pillai. | 52. Mr. Muppil Nayar of Kavalappara. |
| 31. „ C. Gopala Menon. | 53. The Zamindar of Singampatti. |
| 32. „ B. Ramachandra Reddi. | 54. Mr. Alladi Krishnaswami Ayyar. |
| 33. „ W. P. A. Soundarapandya Nadar. | 55. Khan Bahadur Muhammad Bazul-lah Sahib Bahadur. |
| 34. „ S. Subrahmanya Mooppanar. | 56. Mr. H. A. Watson. |
| 35. „ Thomas Daniel. | 57. „ C. A. Souter. |
| 36. „ S. Venkiah. | 58. „ S. H. Slater. |
| 37. Rai Sahib M. Hampayya. | 59. „ A. McG. C. Tampoe. |
| 38. Rao Sahib R. Srinivasan. | 60. „ C. W. E. Cotton. |
| 39. Mr. J. Kuppuswami. | 61. „ V. Ch. John. |
| 40. Subadar-Major S. A. Nanjappah Bahadur. | 62. „ M. A. Manikkavelu Nayakar. |
| | 63. Syed Tajudin Sahib Bahadur. |

Neutral.

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| 1. Mr. A. Ranganatha Mudaliyar. | 3. Mr. Ramanath Goenka. |
| 2. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 4. „ R. Nagan Gowda. |
| | 5. „ K. P. Raman Menon. |

Ayes 30. Noes. 63. Neutral 5.

The motion was negatived.

The hon. the PRESIDENT:—“Now the question is that the Bill be referred to a Select Committee.”

The motion was put and carried.

• The hon. the PRESIDENT:—“Now it will be convenient for the House to take up the motion of Mr. C. S. Govindaraja Mudaliyar to suspend the standing order.”

Mr. C. S. GOVINDARAJA MUDALIYAR:—“Mr. President, I move—

‘under S.O. No. 40 (2) that leave be granted for referring the Bill to a Select Committee composed of more than fifteen Members.’”

Mr. BASHEER AHMAD SAYEED:—“I second it.”

The hon. Sir NORMAN MARJORIBANKS:—“Mr. President, Sir, this rule was made by this Council restricting their Select Committees to a certain number after experience of a series of very large Select Committees. There is nothing so complicated or detailed in this Bill as to require a large number of representatives from the different parts of the Presidency to examine it. I consulted the leaders of all parties and took their lists and adopted them in the list that I have proposed. If the list is now to be altered, we will upset the whole arrangement. I do not say that it is not within the power of the House to do so, but I would only suggest that it would not serve any useful purpose. So, I oppose the motion.”

The motion was put and declared carried.

[31st January 1929]

The hon. Sir Norman Marjoribanks demanded a poll and the House divided thus:—

Ayes.

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| 1. Mr. V Ramjee Rao. | 17. Mr. C. Obi Reddi. |
| 2. " Sami Venkatachalam Chetti. | 18. " A. Parasurama Rao. |
| 3. " S. Satyamurti. | 19. " C. Ramasomayaajulu. |
| 4. " C. V. Venkataaramana Ayyangar. | 20. " Basheer Ahmad Sayeed. |
| 5. " P. Anjaneyulu. | 21. " P. Baktavatsulu Nayudu. |
| 6. " P. C. Venkatapati Raju. | 22. Sriman Biswanath Das Mahasayo. |
| 7. " J. A. Saldanha. | 23. Mr. A. Kaleswara Rao. |
| 8. " Abdul Hamid Khan Sahib. | 24. " R. Srinivasa Ayyangar. |
| 9. " C. S. Govindaraji Mudaliyar. | 25. " K. Koti Reddi. |
| 10. " G. Harisarvottama Rao. | 26. " L. K. Tulasiram. |
| 11. " C. N. Muthuranga Mudaliyar. | 27. " K. V. Krishnaswami Nayakar. |
| 12. " K. V. R. Swami. | 28. " K. Madhavan Nayar. |
| 13. " D. Narayana Raju. | 29. " C. Venkatarangam Nayudu. |
| 14. Dr. B. S. Mallayya. | 30. " B. Venkataratnam. |
| 15. Mr. K. Uppi Sahib. | 31. " K. S. Sivasubrahmanya Ayyar. |
| 16. " K. R. Karant. | |

Noes.

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| 1. The hon. Sir Norman Marjoribanks. | 33. Mr. L. C. Guruswami. |
| 2. " Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 34. " V. I. Muniswami Pillai. |
| 3. " Mr. T. E. Moir. | 35. " W. P. A. Soundara Pandya Nadar. |
| 4. " Diwan Bahadur M. Krishnan Nayar. | 36. " S. Subrahmanya Moopanar. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 37. " Daniel Thomas. |
| 6. " Mr. S. Muthiah Madaliyar. | 38. " S. V. Vanavudaya Gounder. |
| 7. " Dr. P. Subbarayan. | 39. " S. Venkiah. |
| 8. Dr. (Mrs.) S. Muthulakshini Reddi. | 40. Rai Sahib M. Hampayya. |
| 9. Diwan Bahadur P. Kesava Pillai. | 41. Rao Sahib R. Srinivasan. |
| 10. Mr. Alladi Krishnaswami Ayyar. | 42. Rajkumar S. N. Dorai Raja. |
| 11. Khan Bahadur Muhammad Bazl-ul-lah Sahib Bahadur. | 43. " K. Ramachandra Padayachi. |
| 12. Mr. H. A. Watson. | 44. " G. R. Premayya. |
| 13. " C. A. Souter. | 45. Swami A. S. Sabajanandam. |
| 14. " S. H. Slater. | 46. Mr. A. Ranganatha Mudaliyar. |
| 15. " A. McG. O. Tampoe. | 47. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 16. " C. W. E. Cotton. | 48. Mr. Ramanath Goenka. |
| 17. " V. Ch. John. | 49. " R. Nagan Gowda. |
| 18. " M. A. Manikkavelu Nayakar. | 50. The Zamindar of Gollapalli. |
| 19. " Syed Tajudin Sahib. | 51. Mr. Chavadi K. Subrahmanya Pillai. |
| 20. " C. D. Appavu Chettiyar. | 52. " C. Gopala Menon. |
| 21. " A. B. Shetty. | 53. " B. Ramachandra Reddi. |
| 22. " J. Bheemayya. | 54. Rao Bahadur Sir A. P. Patro. |
| 23. " R. Foulkes. | 55. The Maharaja of Venkatagiri. |
| 24. " P. J. Gnanavaram Pillai. | 56. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 25. " Mahmud Schamnad Sahib. | 57. Mr. P. T. Rajan. |
| 26. " Muppli Nayar of Kavalappara. | 58. " T. K. Chidambaranatha Mudaliyar. |
| 27. The Zamindar of Singampatti. | 59. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 28. Mr. J. Kuppuswami. | 60. Mr. Muhammad Khadir Mohidin Sahib. |
| 29. Subadar-Major S. A. Nanjappah Bahadur. | 61. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 30. Rao Bahadur O. M. Narayanan Nambudripad. | 62. Mr. T. M. Moidoo Sahib. |
| 31. Mr. T. M. Narayanaswami Pillai. | 63. Rao Bahadur B. Muniswami Nayudu. |
| 32. " N. Siva Raj. | 64. The Kumararaja of Venkatagiri. |
| | 65. Mr. A. V. Bhanoji Rao. |

Ayes 31. Noes 65.

The motion was negatived.

31st January 1929]

The hon. Sir NORMAN MARJORIBANKS :—"I now move that the Madras Services Commission Bill be referred to a Select Committee consisting of the following members :—

1. The hon. the Chief Minister.
2. Mr. A. Balakrishna Shetty.
3. „ Muhammad Schamnad Sahib.
4. „ V. I. Muniswami Pillai.
5. Diwan Bahahur S. Kumaraswami Reddiyar.
6. Rao Bahadur B. Muniswami Nayudu.
7. Mr. A. Ranganatha Mudaliyar.
8. „ K. P. Raman Menon.
9. „ T. Adinarayana Chettiyar.
10. „ J. A. Saldanha.
11. „ C. V. Venkataramana Ayyangar.
12. „ K. P. V. S. Muhammad Meera Ravuttar.
13. „ Muppil Nayar of Kavalappara.
14. „ R. Foulkes.
15. „ Alladi Krishnaswami Ayyar (Advocate-General).
16. The Mover (The hon. Sir Norman Marjoribanks)."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I second it."

The motion was put to the House and carried.

VI

A BILL FURTHER TO AMEND THE MADRAS CITY POLICE ACT, 1888.

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I beg to introduce the Bill* further to amend the Madras City Police Act, 1888 (Bill No. 4 of 1929), and move that it be referred to a Select Committee.

"In doing so, I wish to state that in 1925 it was brought to the notice of the Government that a number of bucket shops had come into existence in the City of Madras and it was suggested that legislation should be brought forward by the Government to put them down. Government in 1926 appointed a committee consisting of Mr. P. L. Moore (Chairman), Mr. H. F. Travers Philips, Major H. A. Hilderbrand, Mr. A. Ramaswami Mudaliyar and Mr. C. Gopala Menon. This Committee went into the question and reported that we should legislate for the suppression of these bucket shops and they also stated that the legislation should be confined to the City of Madras. The Government accepted their recommendations and took steps to have the Madras City Police Act amended.

"Certain objections have been raised saying that this Bill may not be very effective because there will be concentration of bucket shops on the borders of the City. I should like to bring to the notice of this House that if they should be successful, they would require a large number of people ready to bet with small sums of money and there should also be proper facilities for people to have easy access to these bucket shops. So if they are located outside the city limits they will not thrive. With regard to the

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